

# Milbank

JED SCHWARTZ

Partner

55 Hudson Yards | New York, NY 10001-2163

T: 212.530.5283

jschwartz@milbank.com | milbank.com

The initial pretrial conference is adjourned sine die. The parties shall advise the Court by October 14, 2021 of their views as to whether discovery should be stayed as the motion to dismiss is pending.


September 24, 2021

**VIA ECF**

The Honorable John P. Cronan  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

SO ORDERED.

Date: September 28, 2021  
New York, New York

  
JOHN P. CRONAN  
United States District Judge

Re: *Wells Fargo Bank, National Association, as Trustee for Morgan Stanley Bank of America Merrill Lynch Trust 2013-C9, Commercial Mortgage Pass-Through Certificates, Series 2013-C9 v. 700 Milford Holdings LLC, et al.*, Case No. 1:21-cv-06059-JPC (S.D.N.Y.)

Dear Judge Cronan:

We are the attorneys for Defendant 700 Milford Holdings LLC (“700 Milford”). We write on behalf of 700 Milford as well as Plaintiff and Defendant David Werner<sup>1</sup> to jointly request that the initial pretrial conference (“IPTC”) scheduled for October 14, 2021, at 4:00 p.m., be adjourned until after the Court decides 700 Milford’s forthcoming motion to dismiss Plaintiff’s Amended Complaint (the “Motion to Dismiss”). There have been no prior requests to adjourn the IPTC.

In the Motion to Dismiss, which will be fully briefed on November 19, 2021, 700 Milford will raise several arguments as to why this Court lacks subject matter jurisdiction of this action (which Plaintiff will oppose). The parties submit that adjourning the IPTC until after the Court decides the Motion to Dismiss will conserve the Court’s and the parties’ resources. For example, in advance of the IPTC, the parties are required to take several actions, including submitting a proposed case management plan and scheduling order, as well as a joint letter with an explanation of why this Court has jurisdiction, which is a contested issue and the subject of the Motion to Dismiss. ECF No. 23 at 1-2.

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<sup>1</sup> The other named Defendants in the above-referenced action have either not yet appeared or have “waived service of all papers” such as this letter. See ECF No. 44.

MILBANK LLP

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The Honorable John P. Cronan  
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Respectfully submitted,

*/s/ Jed M. Schwartz*

Jed M. Schwartz

cc: All Counsel of Record (via ECF)